



Control Number: 50664



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ISSUES RELATED TO THE STATE OF  
DISASTER FOR CORONAVIRUS  
DISEASE 2019

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**ORDER DENYING PETITION FOR RULEMAKING**

On March 20, 2020, Texas Legal Services Center (TLSC), Disability Rights Texas, Legal Aid of Northwest Texas, Lone Star Legal Aid, People's Community Clinic, Texas Health Action, and Texas Rio Grande Legal Aid (collectively, Petitioners) filed a petition seeking an emergency rule that would prohibit the disconnection of residential electric, water, or telephone service, prohibit the billing or collection of charges, including late fees, for residential utility service, and require reasonable attempts to reconnect utility service without a fee.<sup>1</sup> The emergency rule would remain in effect 30 days after the termination of the state of emergency declared by the governor.<sup>2</sup> The proposed emergency rule would also suspend any Commission rule that is inconsistent with the emergency rule.<sup>3</sup>

The petitioners state that the Commission should adopt the emergency rule proposed in the petition to assure that all Texans have sufficient opportunity to obtain and maintain residential utility services during the COVID-19 disaster and to guarantee uniform protections to Texans regardless of where they live or their chosen retail provider.<sup>4</sup>

The Texas director of AARP filed a letter on March 24, 2020 in which she expressed support for the proposed emergency rule noting that older Texans are vulnerable to increased utility costs due to fixed incomes and are also particularly vulnerable to contracting COVID-19.<sup>5</sup> The Commission Staff recommended denial of the petition for an emergency rule.<sup>6</sup>

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<sup>1</sup> Petition for Emergency Rulemaking to Provide Customer Protection Rules for Temporary Support to Victims of COVID-19 at 6 (Mar. 20, 2020).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 4, 6.

<sup>5</sup> Letter from Tina Tran, State Director, AARP Texas, to Commissioners of the Commission (Mar. 24, 2020) (filed in this project), requesting approval of the petition for an emergency rule.

<sup>6</sup> Recommendation of Commission Staff (May 7, 2020).

The Commission has already taken significant action to provide consumer protections for utility customers in Texas who are affected by COVID-19, including ordering retail electric providers (REPs) to cease disconnections of eligible residential customers,<sup>7</sup> ordering that REPs offer deferred payment plans to eligible residential customers,<sup>8</sup> granting exceptions to certain water and sewer rules relating to assessment of late fees and allowing disconnection for nonpayment, establishing a COVID-19 Electricity Relief Program for all eligible residential consumers, and granting exceptions to certain electric rules that relate to assessment of late fees or disconnection of services as a result of delinquent bills or nonpayment.<sup>9</sup> The Commission is continuing to monitor these action and will take further steps if necessary to provide sufficient protections for the citizens of Texas. In light of these actions by the Commission, the proposed emergency rules is not necessary.

For the reasons discussed in this Order, the Commission denies the petition.

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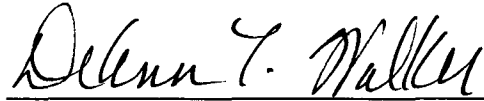
<sup>7</sup> Order Related to COVID-19 Electricity Relief Program at 2 (Mar. 26, 2020).

<sup>8</sup> *Id.* at 5

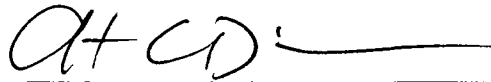
<sup>9</sup> See Order Directing Certain Actions and Granting Exceptions to Certain Rules (Mar. 26, 2020); *see also* Second Order Directing Certain Actions and Granting Exceptions to Certain Rules (Apr. 17, 2020).

Signed at Austin, Texas the 14<sup>th</sup> day of May 2020.

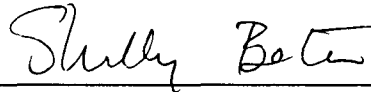
**PUBLIC UTILITY COMMISSION OF TEXAS**



DEANN T. WALKER, CHAIRMAN



ARTHUR C. D'ANDREA, COMMISSIONER



SHELLY BOTKIN, COMMISSIONER